

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TSUNG H HSU,

Plaintiff,

v.

NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Defendant.

No. 2:20-cv-00088-TSZ

**ORDER GRANTING  
STIPULATED MOTION TO  
CONTINUE EXPERT  
DISCLOSURE DATE**

On this day came before the Court the parties' Stipulated Motion to Continue the Date for Expert Disclosures. The parties seek through their motion a continuance of only one pre-trial date: the expert disclosure date. *See* Mot. at 1. In support of their motion, the parties state that they requested through their Joint Status Report that the expert disclosure date be December 30, 2020, so that the parties could complete discovery before exchanging expert disclosures. The parties' Motion is supported by the declaration of Sarah Cox.

"A schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4); *see also* LCR 16(b)(5) ("A schedule may be modified only for good cause and with the judge's consent."). The decision to modify a scheduling order is within the broad discretion of the district court. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). Rule 16(b)'s "good cause" standard primarily considers the diligence of the

party seeking the amendment. If a party has acted diligently yet cannot reasonably meet scheduling dates or deadlines, a court may allow modification of the schedule.

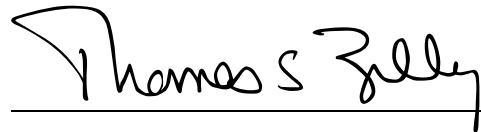
The Court finds that good cause exists to extend the expert disclosure date so that the parties can complete discovery prior to exchanging expert disclosures. The parties have conferred and agreed that this continuance will not otherwise alter the Court's schedule. Moreover, the parties have been sufficiently diligent in their discovery efforts—they each have issued and responded to document discovery and participated in four depositions in September—but discovery is still not complete. *See* Declaration of Sarah Cox in Support of Stipulated Motion to Extend Expert Disclosure Date, ¶ 2. Defendant has yet to take certain key depositions, including that of the Plaintiff, *id.* at ¶ 3, but the case scheduling order expressly gives both parties until December 21, 2020 to complete discovery, dkt. 10. Permitting the parties to complete discovery before exchanging expert disclosures will allow any expert witnesses to incorporate all discovery into their disclosures, and avoid incomplete expert disclosures that must later be supplemented. This serves the interests of justice and efficiency articulated in Fed. R. Civ. P. 1 and LCR 1(a), and safeguards the Court's trial schedule by keeping the other case scheduling dates in place.

Accordingly, after careful consideration of the Motion, the Court GRANTS the Motion for good cause shown.

IT IS HEREBY ORDERED, that the case schedule shall be amended as follows:

<u>DESCRIPTION</u>	<u>CURRENT DATE</u>	<u>AMENDED DATE</u>
<b>Disclosure of expert testimony under FRCP 26(a)(2)</b>	September 21, 2020	December 30, 2020

DATED this 24th day of September, 2020.



Thomas S. Zilly  
United States District Judge

DATED this 21st day of September, 2020.

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